

AMENDMENT TO THE DRAWING(S)

Figs. 21-32 are amended. The attached replacement sheets replace the original sheets including Figs. 21-32 of the Drawings.

REMARKS/ARGUMENTS

The present Amendment is responsive to the non-final Office Action mailed October 23, 2007, in the above-identified application.

Claim 2 is canceled without prejudice or disclaimer. Claims 29-44 were previously withdrawn from consideration. Accordingly, claims 1 and 3-28 are the claims currently presented for examination.

Claims 1 and 11 are amended to clarify features recited thereby. These amendments are fully supported by Applicant's disclosure, see, for example, page 23, lines 2-13, and page 16, lines 5-7, for support of the amendments to claim 1, and page 12, lines 5-7 for the amendment to claim 11. Some of the remaining claims are amended so as to conform them more closely to U.S. patent practice style.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and the receipt of the priority document. Further, Applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statements filed on June 23, 2005 and July 20, 2006.

Objection to the Drawings

Fig. 9 is objected to on the ground that reference character 15 is not mentioned in the Specification. The Specification is amended.

Figures 21-26 are objected to on the ground that they would be clearer if they contained a heading indicating the title of the graph and if they provided a key indicating what the thick and the thin lines illustrated. Further, Figs. 27-32 are objected to on the ground that they would be clearer if they contained a heading with the title of the graph.

Replacement sheets for Figs. 21-32 of Drawings are filed herewith. The amendments to the Drawings are fully supported by Applicant's disclosure, see, for example, Specification, page 72, first full paragraph, last sentence, and page 19, line 22- page 21, line 5.

Rejection of Claim 11 under 35 U.S.C. § 112, Second Paragraph

Claim 11 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite on the ground that the claim recites a specific gravity but does not state to which material it pertains.

Claim 11 is amended.

Rejection of Claims 1, 2, 7-10, 12 and 13 under 35 U.S.C. § 102

Claims 1, 2, 7-10, 12 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Senda et al., U.S. Patent No. 5,990,417. Reconsideration of this rejection is respectfully requested.

Claim 1 requires an electromagnetic noise suppressor comprising a composite layer comprising the binding agent that is a part of the base material and a magnetic material integrated with each other and comprising a crystal portion made of nanometer scale crystals of atoms of the magnetic material disposed at a spacing of several angstroms in a crystal lattice, a binding agent portion including the binding agent without the nanometer scale crystals of the atoms of the magnetic material, and a dispersed portion comprising atoms of the magnetic material dispersed without crystallizing in the binding agent. Further, claim 1 requires that the composite layer be formed by an application of the magnetic material to the surface of the base material by physical vapor deposition with particle energy in a range from 5 eV to 1000 eV.

According to an aspect of Applicant's invention as claimed in claim 1, an effective electromagnetic noise suppressor is provided by the combination of a composite layer 3 that includes a portion where very small crystals of atoms of the magnetic material disposed at a spacing of several angstroms in a crystal lattice 4 is formed, a portion where the binding agent 6 is formed without the magnetic material and a portion where atoms of the magnetic material 5 are dispersed without crystallizing in a crystal lattice in the binding agent, as described at Specification, page 23, lines 2-8. Accordingly, "the magnetic material and the binding agent are integrated in a complex heterogeneous structure on the nanometer scale, without any grain boundary that shows the presence of fine particles of the magnetic material in crystal structure" (Specification, page 23, lines 9-13). Thus, as described, "very small" means on a nanometer scale.

Sendai discloses an electromagnetic noise absorbing material comprising a non-magnetic insulating material used as a binding agent and a magnetic material, such that the binding agent and the magnetic material are integrated with each other into a composite layer.

Sendai does not disclose or suggest a composite layer comprising a crystal portion made of nanometer scale crystals of atoms of the magnetic material disposed at a spacing of several angstroms in a crystal lattice, a binding agent portion including the binding agent without the nanometer scale crystals of the atoms of the magnetic material, and a dispersed portion

comprising atoms of the magnetic material dispersed without crystallizing in the binding agent, as required by claim 1.

Further, Senda does not disclose or suggest that the composite layer is formed by an application of the magnetic material to the surface of the base material by physical vapor deposition with particle energy in a range from 5 eV to 1000 eV, as further required by claim 1. Accordingly, Senda does not disclose or suggest the recitations of claim 1.

Claim 2 is canceled without prejudice or disclaimer and thus the rejection is moot as to this claim. Claims 7-10, 12 and 13 depend from claim 1 and are therefore patentably distinguishable over the cited art for at least the same reasons.

Remaining Rejections under 35 U.S.C. § 102

Claims 1, 4, 13, 17, 18, 21-24, 27 and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sato et al., U.S. Patent No. 5,864,088.

Claims 1, 4, 12, 13 and 19-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Inomata et al., JP 2000/196281.

Claims 3-6 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Senda or, in the alternative, under 35 U.S.C. § 103(a) as being obvious from Senda.

Claims 2 and 14-16 are rejected under 35 U.S.C. § 103(a) as being obvious from Sato in view of Senda.

Claim 25 is rejected under 35 U.S.C. § 103(a) as being obvious from Sato in view of Okamura et al., U.S. Patent No. 6,104,530.

Claim 26 is rejected under 35 U.S.C. § 103(a) as being obvious from Sato in view of Okamura in view of Kadokura et al., U.S. Patent No. 4,784,739.

Reconsideration of these rejections is respectfully requested.

Sato discloses an electronic device having an electromagnetic interference suppressing body, the electromagnetic interference suppressor including a base material containing a binder and a composite layer that includes the binding agent and a magnetic material uniformly disbursed in the binder.

Inomata discloses an electromagnetic wave absorber that includes a base material with a binder (Inomata, paragraph 32) and a composite layer which can be formed of the same binder as

the base material (Inomata, paragraphs 34-36). Inomata discloses that the composite layer includes soft magnetic particles in a macromolecule binder.

Sato and Inomata do not disclose or suggest the above-cited features of claim 1. That is, Sato and Inomata do not disclose or suggest a composite layer comprising a crystal portion made of nanometer scale crystals of atoms of the magnetic material disposed at a spacing of several angstroms in a crystal lattice, a binding agent portion including the binding agent without the nanometer scale crystals of the atoms of the magnetic material, and a dispersed portion comprising atoms of the magnetic material dispersed without crystallizing in the binding agent, as required by claim 1. Further, Sato and Inomata do not disclose or suggest that the composite layer is formed by an application of the magnetic material to the surface of the base material by physical vapor deposition with particle energy in a range from 5 eV to 1000 eV, as further required by claim 1.

Okamura and Kadokura do not cure the above-discussed deficiencies of Senda, Sato and Inomata as they relate to the above-cited features of claim 1. Further, the Office Action does not allege that Okamura and Kadokura disclose or suggest such features. Accordingly, the recitations of claim 1 are not anticipated and would not have been obvious from the cited references.

Claim 2 is canceled without prejudice or disclaimer and thus the rejection is moot as to this claim. The remaining claims depend from claim 1 and are therefore patentably distinguishable over the cited art for at least the same reasons.

Provisional Rejection of Claims 1, 2, 13 and 14

Claims 1, 2, 13 and 14 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being obvious over claims 1, 3-7 and 13 of co-pending U.S. Application No. 10/538,132.

It is respectfully submitted that Application No. 10/538,132 is still pending and that the Office Action acknowledges that the rejection is provisional since no claims have as of yet been patented. Accordingly, Applicant will respond substantively to any rejection over claims of Application No. 10/538,132 if and when any such claims are issued in a patent and the rejection is maintained.

In view of the foregoing discussion, withdrawal of the objection and the rejections and allowance of the application are respectfully requested.

Respectfully submitted,

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